

**THE HON'BLE MR. JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION NO. 22297 OF 2005**

**DATED: 14-10-2005**

Between

Dr. K. Subramanyam Naidu,

represented by CPA holder

P. Kamala Devi.

..... PETITIONER

And

The Govt. of A.P represented by its Principal Secretary

to Municipal Administration and Urban Development Department,  
Secretariat, Hyderabad and others.

..... RESPONDENTS

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**THE HON'BLE MR. JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION NO. 22297 OF 2005**

**ORDER:**

Aggrieved by the notice dated 22-09-2005 issued by the Assistant City Planner, Circle – V, Municipal Corporation of Hyderabad, the present writ petition is filed.

It is stated in the affidavit filed in support of the writ petition that the petitioner is the G.P.A holder of one Dr. K. Subramanyam Naidu, who is the absolute owner and possessor of the house property bearing premises No.8-2-293/82/A/807/1 constructed in plot No.807 situated at Road No.36, Jubilee Hills, Hyderabad. The 1<sup>st</sup> respondent issued memo No.20469/11/2005 MA, dated 04-10-2005 declaring Road No.36 of Jubilee Hills as commercial road and to that effect, a draft notification was also issued and road widening programme was accordingly taken up. While so, the 3<sup>rd</sup> respondent issued the impugned proceedings seeking the consent of the petitioner for road widening programme which is effecting a depth of 13 feet i.e. 143.79 square yards of the property in question. Aggrieved thereby, this writ petition has been filed.

Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

On a perusal of the material available on record, it appears that through the impugned proceedings, the written consent of the petitioner for road widening programme has been sought for. The learned counsel for the petitioner is not able to inform to this Court as to whether the petitioner is willing to give his consent. However, he brought to the notice of this Court an order passed by a learned single Judge of this Court in W.P No. 21060 of 2005 wherein, in similar circumstances, this Court observed that unless and until requisite proceedings under Section 147 of the Hyderabad Municipal Corporation Act, 1955 are initiated, the owner's right to enjoy his property cannot be denied nor its officials can demolish the compound walls or structures without notice.

Since the petitioner was asked to give his consent through the impugned proceedings, it is always open to the petitioner to submit his reply. Therefore, without going into the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the petitioner to submit his reply to the impugned proceedings within two weeks and the respondents shall consider the same and pass appropriate orders within four weeks thereafter in accordance with law. Till such time, the respondents are directed not to demolish the property in question.

Accordingly, the writ petition is disposed of. No costs.

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14-10-2005

ks/lur